



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File C.A. No.
1:00-1898 (SAS)
MDL 1358

This Document Relates To:

City of Fresno v. Chevron U.S.A., Inc., et al.,
Case No. 04-Cv-04973

**DECLARATION OF BRENT ALLEN IN SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT FOR LACK OF EVIDENCE PERTAINING TO CAUSATION**

I, Brent Allen, hereby declare:

1. I am a member of the bar of the District of Columbia. I am a shareholder at the law firm of Greenberg Traurig LLP and counsel of record for Defendant Coastal Chem, Inc. ("Coastal Chem").
2. I make this declaration in support of Defendants' Motion for Summary Judgment for Lack of Evidence Pertaining to Causation. As counsel for Defendant Coastal Chem, I have actively participated in pre-trial matters, including discovery, motion practice, and several discussions with counsel for Plaintiff City of Fresno ("Fresno") regarding its claims and evidence in support of those claims. This declaration is based on my personal knowledge and, if called as a witness, I could testify competently thereto.
3. Attached hereto as Exhibit 1 are true and correct copies of correspondence and discovery responses whereby Fresno identifies the basis for its allegations against Coastal Chem, including its declaration of intent to prove liability under the commingled product theory, as

well as plaintiff's agreement to withdraw its claims against Coastal Chem at the Gilbert's Exxon and Chevron 9-4374 sites.

- a. E-mail from Evan Eickmeyer to Brent Allen (Dec. 10, 2012);
 - b. Letter from Michael Axline to Brent Allen (Mar. 6, 2013).
4. Attached hereto as Exhibit 2 are true and correct copies of excerpts of discovery responses whereby Fresno identifies the basis for its allegations against Coastal Chem at certain sites.
 - a. Plaintiff City of Fresno's Responses to Coastal Chem, Inc.'s First Set of Interrogatories (January 8, 2013).
5. Attached hereto as Exhibit 3 are true and correct copies of excerpts from statewide discovery responses relied upon by Fresno in support of its allegations against Coastal Chem.
 - a. Defendant Exxon Mobil Corporation's Responses and Objections to Plaintiffs' Preliminary Set of Interrogatories Regarding Defendant Identification (August 30, 2004);
 - b. Further Response of Defendant Union Oil Company of California to Plaintiffs' Preliminary Set of Interrogatories (August 30, 2004).
6. Attached hereto as Exhibit 4 are true and correct copies of excerpts from discovery responses regarding the supply of stations at issue in the City of Fresno.
 - a. Union Oil Company of California's Second Supplemental and Amended Response to Plaintiff City of Fresno's First Set of Interrogatories (June 1, 2012);
 - b. Chevron U.S.A. Inc.'s Supplemental and Amended Response to Plaintiff City of Fresno's First Set of Interrogatories (August 12, 2011);

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Washington, DC on the 15th day of March 2013.


Brent Allen